

AN
ORDINANCE

For settling of the

ESTATES

Of several Excepted Persons in SCOT-
LAND in TRUSTEES to the uses
herein expressed.



Wednesday April 12. 1654.

Ordered by his Highness the Lord Protector, and his
Council, That this Ordinance be forthwith Printed
and Published:

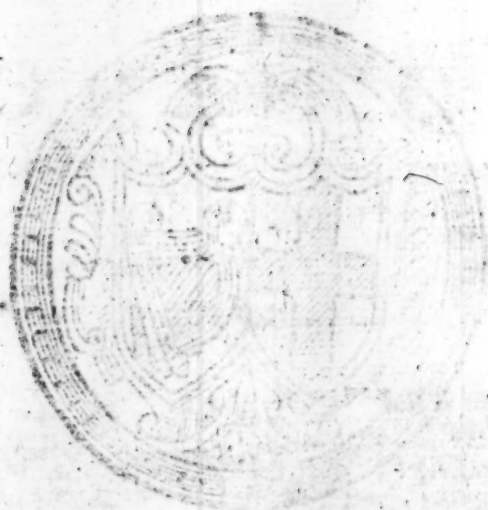
Henry Scobell, Clerk of the Council.

*London, Printed by William du-Gard and Henry Hills,
Printers to His Highness the Lord Protector, 1654.*

ORDINANCE

OF THE

OF THE



Ordered by the Senate and House of Representatives of the United States in Congress assembled, That the said Ordinance be and the same be printed, and that the said Clerk of the Senate do cause the same to be printed.

Printed by the Senate and House of Representatives of the United States in Congress assembled, 1800.



AN ORDINANCE

For settling the ESTATES of several Excepted Persons in SCOTLAND in TRUSTEES to the uses herein expressed.



Whereas by an Ordinance, Entituled, An Ordinance of Pardon and Grace to the People of Scotland, Disbark persons, and their estates are excepted and reserved out of the said Ordinance, and all benefit thereof, and yet nevertheless the Estates of the said several persons are otherwise left subject to diverse debts, charges

charges and Incumbrances, and likewise several proportions of Lands, Tenements and Hereditaments are by the said Ordinance appointed to be settled, for a Provision of the Wives and Children of others of the said persons in such sort and under such Limitations, Provisions and Conditions as are expressed and contained in the said Ordinance. And whereas also the Parliament hath by several Votes and Orders given unto several persons, for services done to this Commonwealth, others Lands, Tenements and Hereditaments out of the said Confiscated Lands in Scotland. For the more due and speedy payment and satisfaction of the said Debts, Charges, and Incumbrances, and settling the premises, so appointed by the said Ordinance, for the provision of the said Wives and Children, And for the better confirmation and assurance of the premises so given by the Parliament unto the said respective persons, Be it Ordained by his Highness the Lord Protector, by and with the advice and consent of his Council, and it is Ordained by the Authority aforesaid, That all and every the Honours, Mannors, Castles, Houses, Messuages, Forests, Chales Parks, Lands, Tenements and Hereditaments in Scotland, which upon the eighteenth of April, one thousand six hundred forty and eight, or at any time since, did belong unto James late Duke of Hamilton, William late Duke of Hamilton, John Earl of Crawford-Lindley, James Earl of Calender, Earl Marshall, Earl of Kelley, John Earl of Lowderdail, John Earl of Lowdown, Earl of Seaforth, Earl of Athol, Viscount Kenmure, Lord

Lord Lorn, Eldest Son of the
 Marquess of Argyle, Lord Maclean
 eldest Son of the Earl of Lowdown,
 Lord Montgomery eldest Son of the Earl of Eg-
 lintoun, George Lord Spynie, Lord
 Cranston, Lord Sinclair, Thomas Dallyel
 late Major General of the Foot in the Scottish
 Army, John Middleton, late Lieutenant Ge-
 neral of the Horse in the Scottish Army, James
 Viscount Newburgh, Lord Bircany,
 Sir Thomas Thomson, James Edmeston Lord of
 Womat, Lord Napier, and William Earl
 of Glancarn, and all Ropalties, Prebendes,
 Franchises, Immunities, Rents and appur-
 tenances, to the said Honors, Daimons, Ca-
 stles, Houses, Villages, Forrests, Chales,
 Parks, and Lands, or any of them in Scotland
 belonging or appertaining, which on the said
 eighteenth day of April one thousand six hun-
 dred forty and eight, or at any time since
 were lawfully used, or enjoyed with
 them, or any of them, as part or parcel thereof,
 be, and are hereby vested and settled, and ad-
 judged and decreed to be, and are hereby in
 the real and actual possession and firm of Sir
 John Hope of Craighall, William Lockhart the
 younger Esq; Richard Saltonstall, and Edward
 Siler Commissioner of Exchequer, Lieutenant Colonel
 Wilks, Deputy Governour of Leith, David
 Barkley Esq; John Harper Advocate, and the
 Surveyors and Surveyors of them, their heirs
 and assigns, for the uses and purposes here-
 after in and by this Ordinance expressed, until
 the sale, disposition, and conveyance thereof,
 or of such part thereof as shall be requisite for
 the

the purposes aforesaid, shall be made in such manner, as is herein directed, and the Remainder to the use of his Highness the Lord Protector and his Successors for the benefit of the Commonwealth.

And be it further Ordained by the Authority aforesaid, That the said Sir John Hope and the rest of the Trustees before named, the Survivors and Survivor of them, shall cause a due and exact survey to be taken and returned unto them, of all and every the estates of the persons aforesaid, at the time aforesaid, and of the yearly value thereof respectively, as they were worth to be let in the year one thousand six hundred forty and nine, and also return to be made unto them of all and every the Claims of any Estate, Right, Title or Interest of any other person and persons in or to any the premises, and of all Debts, Charges, and Incumbrances, charged, or chargeable upon the same, or any part thereof respectively, and which shall be allowed by the Commissioners named in the said Ordinance of Pardon and Grace to the people of Scotland, for determining Claims according to the Qualifications and Provisions contained in the said Ordinance, and thereupon in the first place, in case the respective Lands of such person exceeded, be sufficient to satisfy all the Debts, Charges, and Incumbrances so allowed, as aforesaid, and also the provision made by the said Ordinance for the wife, Child or Children of such person, That then the said Sir John Hope, and the rest of the Trustees before named, or any four of them, shall allot and set out unto every of the Creditors of such per-

person so much of the said Lands, belonging unto such excepted person, at the rate of twenty years purchase at the least, as shall be sufficient to satisfy such Debt, Charge and Incumbrance, and to convey the Inheritance of the said Land so set out unto such Creditor and Creditors, & his, her and their heirs respectively in satisfaction of the said Debt, Charge or Incumbrance, and thereupon to take up the security, and that such Creditor and Creditors, his and their heirs, and assigns, shall from henceforth have, hold and enjoy all and every the Lands, and Premises so set out and conveyed, according to such conveyance freed and discharged, in manner as is herein provided, of and from all and all manner of Bargains, Sales, Gifts, Grants, Mortgages, Judgements, Decrees, Jointures, Dowers, or other Incumbrances had, made, committed, or done by such person so excepted respectively, or any claiming under him, since the eighteenth day of April one thousand six hundred forty and eight. And that the said Trustees shall convey and assure unto the wife, Child or Children of such excepted person respectively Lands, Tenements or Hereditaments of the clear yearly value appointed unto such wife, Child or Children by the said Ordinance respectively, under such yearly Rent and Rents, and in such manner, as is in and by the said Ordinance limited and appointed.

And it is further Ordained, That the said Trustees herein named, or any four of them, shall convey and assure unto the respective persons to whom the late Parliament hath by Vote or Order of Parliament given any lands

in Scotland, and to their Heirs and Assigns, the Lands, Tenements and Hereditaments, which have been already allotted and let out unto them upon Survey by the Commissioners for Sequestrations in Scotland, out of the Estates of any the persons so excepted as aforesaid, in pursuance of such Wote or Order, and which have been by them or their Tenants or Assigns, possessed and enjoyed, according to such Survey, and allotment, in performance of the said respective Wotes and Orders under the Rents, Conditions and Limitations in such Wote, or Order expressed (if any be) to be by them enjoyed accordingly.

Provided also, That in case the Lands, Tenements, and Hereditaments of such excepted person be not sufficient to satisfy the respective Debts, Charges and Incumbrances of such respective person, and also to make up the full provision aforesaid, for his wife, Child or Children, that then the said Trustees, or any four of them, be empowered and authorised, and are hereby empowered and authorised to distribute all and every the Lands, Tenements, & Hereditaments of every such excepted person amongst the said Creditors, and the wife, Child or Children of such person, so far as the same shall extend proportionably, every of them bearing a proportionable abatement of what the Creditors shall fall short to satisfy, and to convey and assure the same so proportioned accordingly.

Provided also, That in case any of the said persons unto whom the Parliament has given lands in Scotland, be already settled by the said Commissioners in any of the Lands or Estates

of such excepted person, whose Lands shall not be sufficient to satisfy his Debts, and make provision for his wife and Children, as aforesaid, that yet nevertheless the said Commissioners shall convey and assure unto such person and persons, and his and their heirs, the Lands so allotted and set out unto him as aforesaid, and in lieu thereof, shall allot and set forth Lands of the same value, or to such value as the Lands of such excepted person shall fall short as aforesaid, so as the same exceed not the full value of the premises so allotted and set out by the said Commissioners for Sequestrations unto such person, out of the Lands and Estate of some other of the persons excepted in the said Ordinance, of whose estate there shall be a remainder after the Debts, Charges and Incumbrances satisfied and provision made for his wife and Children, as aforesaid, and shall convey the same unto the Creditors in such sort as is before Directed and Ordained.

Provided also, That if the said Commissioners for Sequestrations have allotted and set out unto any of the said persons to whom the Parliament gave Lands, as aforesaid, any Lands, Tenements or Hereditaments of any person or persons not excepted by the said Ordinance from Pardon, that then the said Trustees or any four of them, be empowered and authorized to set out, convey and assure unto such person and persons, and his and their heirs, out of the estate and estates of one or more of the said excepted persons, which shall remain after the Debts, Charges and Incumbrances charged or chargeable upon such estate, and

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such provision for the wife, Child, or Children of such excepted person so satisfied and made as aforesaid, in lieu of the Lands so set out and allotted by the said Commissioners for Sequestrations unto such person and persons as aforesaid. And for the defraying of the incident charges in and about settling the premises, Be it Ordained by the Authority aforesaid, That all and every person and persons who shall bring unto the Commissioners herein named, any Claim of any Estate, Title, Interest, Debt, Charge, or Incumbrance to, out of, or upon any of the premises hereby vested in the said Commissioners, and a Certificate of the allowance thereof, under the hands of the Commissioners for allowing Claims, shall, before any allotment or conveyance shall be made unto him, her or them, by force of this Ordinance pay in ready money unto such person or persons as the Commissioners herein named shall appoint for that purpose, three pence in the pound sterling, according to the value of such Estate, Title, Interest, Debt, Charge or Incumbrance, so claimed and allowed. And in case the Sum so paid in at the rate aforesaid, shall not be sufficient to defray the whole charge which shall arise by the surveying, allotting, and settling of the Estate of such excepted person in manner as aforesaid, that then it shall be lawful to and for the said Commissioners herein named, or any four of them, to demand and receive of each of the said persons so claiming, such further Sum and Sums of money, as his proportionable part of the said Charge shall amount unto, which the said respective Claimers are hereby required to pay unto
 such

such Person and Persons so appointed by the Commissioners aforesaid. All and every which Sum and Sums of money so paid in shall be issued and paid out by Warrant of the said Commissioners or any Four of them, for satisfying and defraying the said Charges as they shall think fit. And the said Commissioners herein named are hereby authorized and empowered to appoint Surveyors, if they shall find, it necessary, and also Clerks, and other necessary Officers for this Service and to administer an Oath unto such Surveyors as they shall find necessary to employ, for the faithful discharge of their duty herein, and also to allow such fitting Salaries as they shall think fit.

Provided that this shall not extend to charge any Wife, Child or Children of the said excepted persons, nor any person to whom any lands have been given by the Parliament, with the payment of any Sum or Sums of money towards the said Charge.

Wednesday April 12. 1654.

O Rdered by his Highness the Lord Protector; and His Council, That this Ordinance be forthwith Printed and Published.

*Henry Scobell, Clerk
of the Council.*

W. Edwards, April 12, 1824.
Ordered by his Highness the Lord Protector,
and the Council, that this Ordinance be
forthwith Printed and Published:
Moses Jacobell, Clerk
of the Council.